

INDEPENDENT EXPENDITURE FILING GUIDELINES

BACKGROUND

Iowa Code section 68A.404 as amended by 2010 Iowa Acts, Senate File 2354 requires that expenditures in excess of \$1000 in the aggregate made to benefit a candidate or committee without prior approval or in coordination with that committee be reported to the Iowa Ethics and Campaign Disclosure Board. This does not include those expenditures made on behalf of a committee and reported as contributions.

ENDORSEMENTS OR PROCLAMATIONS

This law is not meant to limit or prohibit an individual from expressing an opinion regarding the passage or defeat of a candidate or ballot issue. Rather, this law is meant as a means for individuals to properly disclose those expenditures that benefit a candidate or ballot issue committee.

DEFINITIONS

Pursuant to Iowa Code 68A.404(1) “Independent expenditure’ means one or more expenditures in excess of one thousand dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the passage or defeat of a ballot issue that is made without the prior approval or coordination with a candidate, candidate's committee, or a ballot issue committee”.

Iowa Administrative Code 351-4.53(3) “Independent expenditure’ means an expenditure by a person for goods or services, including express advocacy communication, on behalf of a candidate or a ballot issue which is not made with the knowledge and approval of a candidate or a ballot issue committee”.

WHAT IS AN INDEPENDENT EXPENDITURE?

Any person that makes an expenditure for a communication (such as direct mailing, brochure, or newspaper advertisement) that is done without the approval or coordination of a candidate or committee and that expressly advocates:

The nomination, election, or defeat of a candidate.
The passage or defeat of a ballot issue.

WHO HAS TO FILE?

Any person who does not fit one of the exceptions is required to file the statement. "Person" includes individuals as well as organizations that are not registered as committees. Corporations are permitted to make independent expenditures.

EXCEPTIONS

The statement does NOT need to be filed by:

1. Any candidate or committee that has registered with the Board.
2. Any person who makes one or more expenditures that, in total, do not meet the \$1000 threshold.
3. A federal or out-of-state campaign committee.

WHEN MUST THE STATEMENT BE FILED?

The Independent Expenditure statement must be filed within 48 hours of making the expenditure. "Making the expenditure" is defined as the date that the cost is incurred. The statement must be filed electronically effective April of 2010 (the Board is working to implement this mandate).

ADDITIONAL CAMPAIGN FILINGS

A person making an independent expenditure is also required to file campaign disclosure reports disclosing the source of funding for the expenditure. Contact the Board for further guidance.

FAILURE TO FILE

A person who fails to file the statement in a timely manner is subject to an automatic civil penalty. A person deemed to intentionally fail to file the statement may incur additional civil and criminal sanctions.

DISCLAIMER

This brochure is intended to provide you with general guidance concerning the applicable laws and rules. It is not a restatement of the law and does not constitute legal advice. Please refer to the applicable laws and rules or contact the Board for further guidance.